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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barberá-Guillem, Castro, and Nelson

Serial No. 09/436,159 Examiner: A. Chakrabarti, Ph.D.

Filed: November 09, 1999

Art Unit 1655

For: Functionalized nanocrystals and their use in strand  
synthesis or sequence determination

Assistant Commissioner of Patents  
Washington, D.C. 20231

Docket No. B-13-NP

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION

The owner, Bio-Pixels Ltd., of a 100% interest in the  
instant application hereby disclaims, except as provided  
below, the terminal part of the statutory term of a patent  
granted on claims 1-3, 5, 7-34 of the instant application,  
which would extend beyond the expiration date of the full  
statutory term defined in 35 U.S.C. 154 to 156 and 173 of  
United States Patent Number 6,114,038. The owner hereby  
agrees that any patent granted on the instant application  
shall be enforceable only for and during such period that it  
and U.S. Patent No. 6,114,038 are commonly owned. This  
agreement runs with any patent granted on the instant  
application and is binding upon the grantee, its successors  
or assigns.

In making the above disclaimer, the owner does not  
disclaim the terminal portion of any patent granted on the

Serial No. 09/436,159

## Terminal Disclaimer

instant application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,114,038, in the event that U.S. Patent No. 6,114,038: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any matter terminated prior to expiration of its full statutory term.

The co-ownership of Bio-Pixels Ltd. of the instant application and of U.S. Patent No. 6,114,038 was recorded by the USPTO on 18 July 2000 on reel/frame 010985/0834.

I, M. Bud Nelson, represent that I am the attorney of record for this application, and that I am authorized to, and under 37 CFR §1.321 have the authority to, execute this terminal disclaimer. The PTO is authorized to charge Deposit Account 500438 for the terminal disclaimer fee (37 CFR 1.20(d)).

Signed,

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